RECEIVED
CENTRAL FAX CENTER
JUN 27 2005

KLEIN, O'NEILL & SINGH, LLP
2 PARK PLAZA SUITE 510
IRVINE, CA 92614
Tel: 949-955-1920
Fax: 949-955-1921

IF YOU DO NOT RECEIVE ALL OF THE PAGES,
OR IF THERE IS ANY DIFFICULTY IN RECEIVING,
PLEASE CALL US AT (949) 955-1920

Deliver To:	ATTN: CENTRALIZED FACSIMILE Commissioner for Patents
Fax No.:	703-872-9306
From:	Howard J. Klein
Date:	June 27, 2005
Total Number of Pages (Including Transmittal Sheet):	3
Reference:	U.S. Patent Application No.: 10/774,300 "METHOD AND A PLANT FOR PREPARING SHRIMPS" Examiner: David J. Parsley Art Unit: 3643 Docket No. 606-60-PA

Confirmation Copy of This Fax _____**WILL** follow X **WILL NOT** follow

Please see attached Response to Restriction / Election Requirement.

RECEIVED
CENTRAL FAX CENTER
JUN 27 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Soren M. Hansen
Application Number:	10/774,300
Filed:	February 6, 2004
Group Art Unit:	3643
Examiner:	David J. Parsley
For:	METHOD AND A PLANT FOR PREPARING SHRIMPS

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this document is being deposited on June 27, 2005 with the U.S. Postal Service as First Class Mail under 37 C.F.R. 1.8 and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at (703) 872-9306.

Signature of Depositor

Carrie Anne Cheung
Typed or Printed Name of Depositor

Date of Signature: June 27, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

In response to the restriction/election requirement set forth in the Office Action mailed June 6, 2005, applicant elects to prosecute the claims in Group I, i.e., claims 1-10. This election is made with traverse.

Basis for Traverse

Claims 1-10 relate to a method or process for preparing shrimp. Claims 11-25 relate to an apparatus ("plant") for carrying out the method of claims 1-10. The Examiner states that the process and apparatus are distinct inventions if either "(1) the process for using the [apparatus] as claimed can be practiced by another materially different [apparatus] or (2) the [apparatus] as claimed can be used in a materially different process of using that [apparatus]...." The Examiner then contends that the method and apparatus claims in the instant case meet the first prong of this test of distinctiveness because "the process for using the [apparatus] as claimed can be used with another materially different [apparatus], such as by cutting the shrimp with a knife and cooking [them] with a stove/oven." Applicant respectfully disagrees with this conclusion.

Comparing, for example, claims 1 and 11, claim 1 defines a method comprising a sequence of specific steps, while claim 11 defines an apparatus comprising a plurality of

components, each of which is specifically defined as performing a corresponding one of the steps defined in the method of claim 1. Accordingly, there is a direct correlation between each element or limitation of claim 1 and each element or limitation of claim 11, whereby the apparatus of claim 11 will necessarily perform the method of claim 1. Thus, for example, claim 11 could have been written, without any meaningful change in its meaning or scope: "A plant for preparing shrimps in accordance with the method of claim 1." Rewritten as such, claim 11 clearly would be patentably indistinguishable from claim 1.

Furthermore, the mere possibility of devising an entirely different apparatus from that defined in claim 11 to perform the method of claim 1 does not make the inventions respectively defined in these two claims "distinct" for the purposes of 35 U.S.C. §121. If this were to be the test, then it would be nearly impossible to draft a method claim and an apparatus claim that would not be patentably "distinct." One could almost always devise a multitude of different devices to carry out any claimed method. The question is not what is theoretically possible, but rather what is the relationship between the method and apparatus claims in this application. In this case, it is respectfully submitted that the method of claims 1-10 and the apparatus of claims 11-25 are intimately tied to, and closely correlate with, each other, so as to be patentably indistinct.

In summary, it is respectfully submitted that the restriction requirement is improper and should be withdrawn, and that claims 1-25 should proceed to substantive examination.

Respectfully submitted,

Date: June 27, 2005

HOWARD J. KLEIN
Registration No. 28,727

Klein, O'Neill & Singh, LLP (Customer No.: 22145)
2 Park Plaza, Suite 510
Irvine CA 92614
Tel: (949) 955-1920
Fax: (949) 955 1921
Email: hjklein@koslaw.com
Attorney Docket No. 606-60-PA